

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THE ESTATE OF TERRILL THOMAS, by and through its
special administrator, Tiffany Robertson,

Plaintiff,

Case No. 17-CV-01128

vs.

MILWAUKEE COUNTY, DAVID A CLARKE JR, NANCY EVANS,
KEVIN NYKLEWICZ, SCOTT SOBEK, JEFFREY ANDRYKOWSKI,
JOSHUA BRIGGS, STEVEN HAW, KASHKA MEADORS, DEVONTA
TOWNES, RAFAEL BRITO, MATTHEW CARROLL, LECARLIN
COLLINS, BRIAN DRAGOO, ANTHONY EMANUELE, JORDON
JOHNSON, THOMAS LAINE, DAVID LEDGER, JOSHUA LEGERE,
DEVIN O'DONNELL, JAMES RAMSEY-GUY, DECORIE SMITH,
DOMINIQUE SMITH, JOHN WEBER, ARMOR CORRECTIONAL
HEALTH SERVICES, INC., KAREN HORTON, KAREN GRAY,
DEBORAH MAYO and AMANDA OCACIO,

Defendants.

ANSWER AND AFFIRMATIVE DEFENSES OF JEFFREY ANDRYKOWSKI

The defendant, Jeffrey Andrykowski, by his attorneys, Emile Banks & Associates, LLC,
responds to the plaintiff's Complaint as follows.

I. INTRODUCTION

1. As a response to Paragraph 1 of the plaintiff's Complaint, this responding
defendant admits that the plaintiff has brought claims under 42 USC § 1983 but denies that the
plaintiff has stated a valid claim under the statute. This responding defendant furthermore denies
each of the remaining allegations contained in Paragraph 1 of the plaintiff's Complaint.

2. As a response to Paragraph 2 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

3. As a response to Paragraph 3 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

4. As a response to Paragraph 4 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

5. As a response to Paragraph 5 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

II. JURISDICTION AND VENUE

6. As a response to Paragraph 6 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

7. As a response to Paragraph 7 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

8. As a response to Paragraph 8 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

III. PARTIES

9. As a response to Paragraph 9 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

10. As a response to Paragraph 10 of the plaintiff's Complaint, this responding defendant admits that Milwaukee County is a municipal corporation organized as alleged therein. With respect to the remaining allegations contained in Paragraph 10 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said remaining allegations in Paragraph 10 of the plaintiff's Complaint.

11. As a response to Paragraph 11 of the plaintiff's Complaint, this responding defendant denies that David A. Clarke, Jr. is the Sheriff of Milwaukee County. With respect to the remaining allegations contained in Paragraph 11 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said remaining allegations in Paragraph 11 of the plaintiff's Complaint.

12. As a response to Paragraph 12 of the plaintiff's Complaint, this responding defendant admits that Nancy Evans is a citizen residing in the State of Wisconsin. This responding defendant furthermore admits that Ms. Evans was the Commander of the Milwaukee County Jail and an employee of the Milwaukee County Sheriff's Office during the relevant time period. With respect to the remaining allegations contained in Paragraph 12 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said remaining allegations in Paragraph 10 of the plaintiff's Complaint.

13. As a response to Paragraph 13 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

14. As a response to Paragraph 14 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

15. As a response to Paragraph 15 of the plaintiff's Complaint, this responding defendant admits that he is a citizen residing in the State of Wisconsin. He further admits that he is a Lieutenant in the Milwaukee County Correctional Institution and an employee of Milwaukee County. As to the remaining allegations contained in Paragraph 15 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said allegations.

16. As a response to Paragraph 16 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

17. As a response to Paragraph 17 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

18. As a response to Paragraph 18 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

19. As a response to Paragraph 19 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

20. As a response to Paragraph 20 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

21. As a response to Paragraph 21 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

22. As a response to Paragraph 22 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

23. As a response to Paragraph 23 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

24. As a response to Paragraph 24 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

25. As a response to Paragraph 25 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

26. As a response to Paragraph 26 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

27. As a response to Paragraph 27 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

28. As a response to Paragraph 28 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

29. As a response to Paragraph 29 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

30. As a response to Paragraph 30 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

31. As a response to Paragraph 31 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

32. As a response to Paragraph 32 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

33. As a response to Paragraph 33 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

34. As a response to Paragraph 34 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

35. As a response to Paragraph 35 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

36. As a response to Paragraph 36 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

37. As a response to Paragraph 37 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

38. As a response to Paragraph 38 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

39. As a response to Paragraph 39 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

40. As a response to Paragraph 40 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

IV. FACTUAL ALLEGATIONS

A. Terrill Thomas' Suffering and Death in the Milwaukee County Jail.

41. As a response to Paragraph 41 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

42. As a response to Paragraph 42 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

43. As a response to Paragraph 43 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

44. As a response to Paragraph 44 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

45. As a response to Paragraph 45 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

46. As a response to Paragraph 46 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

47. As a response to Paragraph 47 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

48. As a response to Paragraph 48 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

49. As a response to Paragraph 49 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

50. As a response to Paragraph 50 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

51. As a response to Paragraph 51 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

52. As a response to Paragraph 52 of the plaintiff's Complaint, this responding defendant denies that the plaintiff has accurately described Unit 4D, and therefore, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 52 of the plaintiff's Complaint.

53. As a response to Paragraph 53 of the plaintiff's Complaint, this responding defendant admits that each cell contains a toilet and sink. To the extent any of the allegations contained in Paragraph 53 of the plaintiff's Complaint is at variance therewith, the same is denied. As to the remaining allegations contained in Paragraph 53 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said remaining allegations contained in Paragraph 53 of the plaintiff's Complaint.

54. As a response to Paragraph 54 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

55. As a response to Paragraph 55 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

56. As a response to Paragraph 56 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

57. As a response to Paragraph 57 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

58. As a response to Paragraph 58 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

59. As a response to Paragraph 59 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

60. As a response to Paragraph 60 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

Mr. Thomas' Condition in Unit 4D

61. As a response to Paragraph 61 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

62. As a response to Paragraph 62 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

63. As a response to Paragraph 63 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

64. As a response to Paragraph 64 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

65. As a response to Paragraph 65 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

66. As a response to Paragraph 66 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

67. As a response to Paragraph 67 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

68. As a response to Paragraph 68 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 68 of the plaintiff's Complaint.

The Last Week of Mr. Thomas' Life

69. As a response to Paragraph 69 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

70. As a response to Paragraph 70 of the plaintiff's Complaint, this responding defendant denies "Mr. Thomas' serious medical and/or mental health needs were obvious to all staff who worked in Unit 4D" This responding defendant furthermore denies that he, or anyone else to his knowledge, "did [his] best to ignore [Mr. Thomas]." This responding

defendant furthermore lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 70 of the plaintiff's Complaint.

71. As a response to Paragraph 71 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

72. As a response to Paragraph 72 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

73. As a response to Paragraph 73 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

74. As a response to Paragraph 74 of the plaintiff's Complaint, this responding defendant admits that jail policy requires cell inspections. To the extent any of the allegations in Paragraph 74 of the plaintiff's Complaint is at variance therewith, the same is denied. As to the remaining allegations contained in Paragraph 74 of the plaintiff's Complaint, this responding defendant denies said remaining allegations of Paragraph 74 of the plaintiff's Complaint.

75. As a response to Paragraph 75 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

76. As a response to Paragraph 76 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

77. As a response to Paragraph 77 of the plaintiff's Complaint, this responding defendant denies that he was aware that Mr. Thomas was not eating. This responding defendant

furthermore lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 77 of the plaintiff's Complaint.

78. As a response to Paragraph 78 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

79. As a response to Paragraph 79 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

80. As a response to Paragraph 80 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

81. As a response to Paragraph 81 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

82. As a response to Paragraph 82 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

83. As a response to Paragraph 83 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

84. As a response to Paragraph 84 of the plaintiff's Complaint, this responding defendant denies that he violated any jail policy and/or any constitutional and/or correctional standards as it relates to Mr. Thomas as alleged in Paragraph 84 of the plaintiff's Complaint, or in any other respect. This responding defendant furthermore lacks knowledge or information

sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 84 of the plaintiff's Complaint.

85. As a response to Paragraph 85 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

86. As a response to Paragraph 86 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

87. As a response to Paragraph 87 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

88. As a response to Paragraph 88 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

89. As a response to Paragraph 89 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

90. As a response to Paragraph 90 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

91. As a response to Paragraph 91 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

The Last 24 Hours of Mr. Thomas' Life

92. As a response to Paragraph 92 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

93. As a response to Paragraph 93 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

94. As a response to Paragraph 94 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

95. As a response to Paragraph 95 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

96. As a response to Paragraph 96 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

97. As a response to Paragraph 97 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

98. As a response to Paragraph 98 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

99. As a response to Paragraph 99 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

100. As a response to Paragraph 100 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

101. As a response to Paragraph 101 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

102. As a response to Paragraph 102 of the plaintiff's Complaint, this responding defendant admits that at some time during the morning in question that he was informed of an issue concerning Mr. Thomas. This responding defendant immediately responded to assist Mr. Thomas. To the extent that any of the allegations contained in Paragraph 102 of the plaintiff's Complaint is at variance therewith, the same is denied. This responding defendant furthermore specifically denies that he ignored any information received with respect to Mr. Thomas or anyone else that evening as alleged in Paragraph 102 of the plaintiff's Complaint.

103. As a response to Paragraph 103 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, except that this responding defendant affirmatively states that when he was advised that an issue had developed concerning Mr. Thomas that he immediately took steps to address Mr. Thomas with himself and the assistance of others. To the extent that any of the allegations contained in Paragraph 103 of the plaintiff's Complaint is at variance therewith, the same is denied. With respect to the remaining allegations contained in Paragraph 103 of the plaintiff's Complaint, this responding defendant denies the same.

104. As a response to Paragraph 104 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

105. As a response to Paragraph 105 of the plaintiff's Complaint, this responding defendant states affirmatively that he attempted to resuscitate Mr. Thomas until emergency personnel arrived. As to the remaining allegations contained in Paragraph 105 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said allegations.

B. Post Death Investigative Finding.

106. As a response to Paragraph 106 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

107. As a response to Paragraph 107 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

108. As a response to Paragraph 108 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

109. As a response to Paragraph 109 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

110. As a response to Paragraph 110 of the plaintiff's Complaint, this responding defendant admits the allegations contained therein.

111. As a response to Paragraph 111 of the plaintiff's Complaint, this responding defendant admits that the Milwaukee County District Attorney's Office conducted an inquest as stated therein regarding the circumstances surrounding Mr. Thomas' death. This responding defendant is not aware of Martin Horn's testimony and/or opinions, and therefore, lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 111 of the plaintiff's Complaint as to Martin Horn's opinions and/or testimony. With respect to the remaining allegations contained in Paragraph 111 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of said remaining allegations of Paragraph 111 of the plaintiff's Complaint.

112. As a response to Paragraph 112 of the plaintiff's Complaint, this responding defendant admits the allegations contained therein.

C. Attempted Cover-up.

113. As a response to Paragraph 113 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

114. As a response to Paragraph 114 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

115. As a response to Paragraph 115 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

116. As a response to Paragraph 116 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

117. As a response to Paragraph 117 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

118. As a response to Paragraph 118 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

119. As a response to Paragraph 119 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

120. As a response to Paragraph 120 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

121. As a response to Paragraph 121 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

122. As a response to Paragraph 122 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

**D. Additional Allegations Regarding Milwaukee
County and Jail Supervisors.**

123. As a response to Paragraph 123 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

124. As a response to Paragraph 124 of the plaintiff's Complaint, this responding defendant admits that he was aware of the jail's written policies. This responding defendant specifically denies that he violated any of said policies or is aware of anyone else violating said policies. This responding defendant furthermore denies that he or anyone else that he is aware of engaged in any type of practices to punish or withhold any basic needs from any inmate for punitive reasons as alleged in Paragraph 124 of the plaintiff's Complaint. This responding defendant furthermore denies each and every remaining allegation contained in Paragraph 124 of the plaintiff's Complaint.

125. As a response to Paragraph 125 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

126. As a response to Paragraph 126 of the plaintiff's Complaint, this responding defendant denies that there are any victims of "unconstitutional disciplinary practices" regarding any inmates. This responding defendant furthermore denies subjecting Mr. Thomas to any inhumane conditions of confinement as alleged in Paragraph 126 of the plaintiff's Complaint. This responding defendant furthermore denies knowledge that Mr. Thomas "was suffering from a severe mental illness" at the time in question or any other time. This responding defendant denies each and every remaining allegation contained in Paragraph 126 of the plaintiff's Complaint.

127. As a response to Paragraph 127 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

128. As a response to Paragraph 128 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

129. As a response to Paragraph 129 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

130. As a response to Paragraph 130 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

131. As a response to Paragraph 131 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

132. As a response to Paragraph 132 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

133. As a response to Paragraph 133 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

134. As a response to Paragraph 134 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

135. As a response to Paragraph 135 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

136. As a response to Paragraph 136 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

137. As a response to Paragraph 137 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

**E. Additional Allegations Regarding
Armor and Defendant Horton.**

138. As a response to Paragraph 138 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

139. As a response to Paragraph 139 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

140. As a response to Paragraph 140 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

141. As a response to Paragraph 141 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

142. As a response to Paragraph 142 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

143. As a response to Paragraph 143 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

144. As a response to Paragraph 144 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

145. As a response to Paragraph 145 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

146. As a response to Paragraph 146 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

147. As a response to Paragraph 147 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

148. As a response to Paragraph 148 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

149. As a response to Paragraph 149 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

V. CLAIM FOR RELIEF

150. As a response to Paragraph 150 of the plaintiff's Complaint, this responding defendant denies each and every allegation contained in Paragraph 150 of the plaintiff's Complaint.

A. Claims Against Individual Defendants.

151. As a response to Paragraph 151 of the plaintiff's Complaint, this responding defendant denies each and every allegations contained in Paragraph 151 of the plaintiff's Complaint.

152. As a response to Paragraph 152 of the plaintiff's Complaint, this responding defendant denies each and every allegations contained in Paragraph 151 of the plaintiff's Complaint.

153. As a response to Paragraph 153 of the plaintiff's Complaint, this responding defendant denies each and every allegations contained in Paragraph 151 of the plaintiff's Complaint.

B. Claims Against Milwaukee County.

154. As a response to Paragraph 154 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

155. As a response to Paragraph 155 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

156. As a response to Paragraph 156 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

157. As a response to Paragraph 157 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

158. As a response to Paragraph 158 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

159. As a response to Paragraph 159 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

160. As a response to Paragraph 160 of the plaintiff's Complaint, this responding defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein.

VI. JURY DEMAND

161. As a response to Paragraph 161 of the plaintiff's Complaint, this responding defendant admits that the plaintiff demands a trial by jury.

AFFIRMATIVE DEFENSES

As and for separate and distinct Affirmative Defenses, this responding defendant alleges as follows:

1. The plaintiff has failed to mitigate damages.
2. The decedent, Terrill Thomas, failed to mitigate damages.

3. The Complaint fails to state a claim upon which relief can be granted.
4. To the extent that the plaintiff requests monetary relief, this responding defendant is protected from liability and suit by immunity and the doctrine of qualified immunity.
5. That any injuries, damages, and/or expenses incurred by the plaintiff were caused in whole or in part by the acts or omissions of Terrill Thomas, the decedent.
6. That any injuries, damages, and/or expenses incurred by the plaintiff were caused in whole or in part by the acts or omissions of others for whose intervening conduct this responding defendant is not responsible.
7. That any injuries, damages, and/or expenses incurred by the plaintiff as a result of the actions alleged in the plaintiff's Complaint were not foreseeable as a matter of law.
8. That Jeffrey Andrykowski did not engage in any affirmative or passive conduct that placed the plaintiff in danger at any time.
9. That Jeffrey Andrykowski is not liable in that he did not demonstrate deliberate indifference toward the constitutional rights of the plaintiff at any time.
10. As to the allegations against Jeffrey Andrykowski, they are specifically denied; alternatively, his actions with respect to the decedent, even if true, constitute nothing more than negligence which does not state a claim for violation of an individual's civil or constitutional rights under 42 USC § 1983.
11. That this responding defendant is entitled to qualified immunity in his individual capacity in that his actions were not contrary to clearly established law which a reasonable officer would be expected to know and follow.
12. That if it is determined that the plaintiff did suffer damages as claimed in its Complaint, said damages were caused by and the result of intervening and superseding causes

not under the control of this responding defendant, or caused by this responding defendant, and, therefore, this responding defendant cannot be held liable or responsible for said damages.

13. That a damage cap applies to each claim or claims or causes of action herein, pursuant to Wis. Stat. § 893.80(3), as well as other statutory or common law authorities.

14. This responding defendant reserves the right to amend their Answer to assert any affirmative defenses which may be disclosed throughout the course of discovery herein.

WHEREFORE, this responding defendant, Jeffrey Andrykowski, respectfully requests that the plaintiff take nothing by way of its Complaint. This responding defendant further requests dismissal of the Complaint, upon the merits, and makes a request for reasonable costs and disbursements expended in defending this matter, along with other statutory costs.

THIS DEFENDANT DEMANDS A JURY TRIAL OF TWELVE (12) PERSONS.

Dated this 8th day of December, 2017.

EMILE BANKS & ASSOCIATES, LLC
Attorneys for Defendants, John Weber
and Jeffrey Andrykowski

electronically signed Emile H. Banks, Jr.

By: _____
EMILE H. BANKS, JR.
State Bar No. 1018890

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